



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/773,152

Confirmation No.: 5464

In re Application of

Nicolas ECHES et al.

Group Art Unit: 3641

Filed: February 9, 2004

Examiner: James S. Bergin

For: SABOT FOR SUB-CALIBRE PROJECTILES

CONFIRMATION OF TELEPHONE
ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner in charge of the above-identified application telephoned applicants' representatives on January 11, 2006 to communicate and Election of Species Requirement between Species I, Figs. 1, 2A, 2B, 3A-C, Species II, Figs. 4A, 4B, 5A, 5B, 6A, 6B, and Species III, Figs. 7A, 7B.

In response to the Election of Species Requirement, applicants' undersigned representative made a provisional election, with traverse, during a telephone conference with the Examiner on January 24, 2006 to prosecute Species I, Figs. 1, 2A, 2B, 3A-C, in this application.

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Applicants respectfully traverse the election requirement since all of species are sufficiently related that a thorough and complete search for species would necessarily encompass a thorough and complete search for Species I-III. Thus, it is respectfully submitted that search and examination of all species herein could be made without serious burden. See MPEP §803 which states that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits.” This policy should apply in the present application to avoid unnecessary delay and expense to applicants and duplicative examination by the Patent Office.

For at least the foregoing reasons, reconsideration and withdrawal of the election requirement and examination of all species herein are respectfully requested.

Respectfully submitted,

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January 25, 2006

Date

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